

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ELIZABETH TROIANI, <i>individually and</i>)	
<i>on behalf of her minor son</i> PAUL -)	
ANTHONY HART,)	
Plaintiffs)	
)	
v.)	C.A. No. 04-10639-NMG
)	
CITY OF SOMERVILLE, CHIEF)	
DONALD CALIGURI, CAPT.)	
DANIEL MATTHEWS, SGT. JOHN)	
AUFIERO, DET. DANIEL F. REGO,)	
OFFICERS JAMES McNALLY,)	
ANTHONY MANZELLI, and THOMAS)	
LEYNE and JOHN DOE(S),)	
Defendants)	
_____)	

MOTION TO BE EXCUSED FROM ATTENDING HEARING

The Court has scheduled a hearing on March 29, 2006, on the plaintiff's Emergency Motion for Settlement Enforcement. Counsel for defendant Sgt. John Aufiero has a long planned vacation trip out of the country from March 23, 2006 through April 6, 2006. Sgt. Aufiero, while a defendant in this action and a litigant to who signed off on the Settlement Agreement that is the subject of the emergency motion, is not alleged to have failed to live up to the terms of the agreement. The attendance of Sgt. Aufiero's counsel therefore, is not necessary for the resolution of the issues raised in the motion.

An Affidavit from Sgt. Aufiero's counsel is submitted in further support of this motion.

WHEREFORE, Sgt. Aufiero moves that his counsel be excused from attending the hearing scheduled for March 29, 2006 on the plaintiff's Emergency Motion for Settlement Enforcement.

FOR DEFENDANT
SGT. JOHN AUFIERO
By his attorney

Dated: March 2, 2006

/s/ Peter M. Brown
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